

HOUSE BILL 2523

By Lollar

AN ACT to amend Chapter 238 of the Acts of 1903; as amended by Chapter 58 of the Private Acts of 2012; and any other acts amendatory thereto, relative to the charter of the City of Millington.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012; and any other acts amendatory thereto, is amended by adding to Section 2.02(a) the following language as new, appropriately designated subdivisions and by renumbering all subsequent subdivisions accordingly:

(29) When the Board of Mayor and Aldermen act as a Beer Board, they shall have the power to subpoena witnesses to appear before the Beer Board hearings;

(30) The Board of Mayor and Aldermen shall have the power to issue a subpoena for witnesses to appear before the board for any and all lawful purposes. The subpoena shall be issued upon a majority vote of the board;

SECTION 2. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012; and any other acts amendatory thereto, is amended by deleting Section 4.08 in its entirety and by substituting instead the following language:

SECTION 4.08. ORDINANCE PROCEDURE. All ordinances passed heretofore for the City are hereby declared valid and binding and are continued in effect unless they conflict with this Charter. Ordinances hereafter shall be passed in the following manner:

All ordinances shall be passed on two (2) different days at a regular, adjourned, or called meeting of the Board. Ordinances may be amended up to and at the second and final reading. A public hearing shall be held prior to or at the second and final reading of an ordinance, and notice of such hearing shall be published in a newspaper of

general circulation within the community and posted at the City hall. One of the meetings shall be a regularly scheduled meeting. Ordinances shall be made available for public inspection in accordance with general law. The reading of the Ordinance into the record at the final passage shall be waived unless an Alderman requests the full reading into the record. Each ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Ordinances shall be signed by the Mayor and shall be immediately taken charge of by the City Clerk and by the City Clerk numbered, placed in an ordinance book, and there authenticated by the signature of the City Clerk and filed and preserved.

SECTION 3. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012; and any other acts amendatory thereto, is amended by adding the following language after the final sentence in Section 5.01:

No Board member shall be eligible for the position of City Manager within two (2) years after expiration or other termination of the Board member's latest term of office. The City Manager shall be selected on the basis of training, experience, and any other administrative qualifications without regard to persons, political, or religious preferences and without regard to a person's current or former agency or town appointment. The procedure for the selection of the City Manager may be determined by the Board of Mayor and Aldermen through the passage of a resolution.

SECTION 4. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012; and any other acts amendatory thereto, is amended by adding the following language as the final sentence in Section 5.02(b):

If there is a vacancy in the Office of City Manager, the Chief Financial Officer shall act as and have the responsibility of the purchasing agent.

SECTION 5. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012; and any other acts amendatory thereto, is amended by adding the following language after the last sentence in Section 5.03:

The Board of Mayor and Aldermen may waive this requirement by a two-thirds (2/3) vote.

SECTION 6. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting from Section 5.05 the period “.” at the end of the section and by substituting instead the following language:

; provided, however that an Alderman may make inquiry from any employee of the City concerning any particular matter that the employee has the responsibility for.

SECTION 7. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the following language from Section 5.06:

The office of the Board member violating any provision of this section shall immediately become vacant upon such person’s conviction in a court of competent jurisdiction.

SECTION 8. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting from Section 9.06 the language “three (3)” and substituting instead the language “two (2)”.

SECTION 9. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by adding the following language as the final sentence in Section 9.06:

One of the meetings shall be in a regularly scheduled meeting.

SECTION 10. Chapter 238 of the Acts of 1903; as amended and rewritten by Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting Section 11.11 in its entirety and by substituting instead the following:

The City Court Clerk shall be appointed by a majority vote of the Board of Mayor and Aldermen for terms of four (4) years. The City Court Clerk shall maintain accurate detailed records and summary reports of all financial transactions and affairs of the court in accordance with applicable laws. Subject to the general law and the authority of the City judge, the Board shall fix the regular time for holding court. The salary and any other benefits relating to the office of City Court Clerk shall be established by the Board.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Millington. Its approval or nonapproval shall be proclaimed by the Mayor of the City of Millington and certified to the secretary of state.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.